

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

LEGACY CAPITAL LTD.,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05286 (SMB)

**STIPULATION AND ORDER MODIFYING BRIEFING SCHEDULE ON THE  
TRUSTEE'S MOTION FOR SUMMARY JUDGMENT**

The plaintiff, Irving H. Picard, trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") and the estate of Bernard L. Madoff, individually ("Madoff"), and defendant Legacy Capital Ltd. ("Legacy Capital"), by and through their respective, undersigned counsel (collectively, the "Parties"), state as follows:

**WHEREAS**, on December 21, 2018, the Trustee moved for summary judgment (the “Motion”) on Count One of the Trustee’s amended complaint in this adversary proceeding (ECF No. 190); and

**WHEREAS**, the Parties previously conferred to prepare an agreed-upon briefing schedule relating to the Motion, which was approved by this Court on January 9, 2019; and

**WHEREAS**, due to a scheduling conflict that arose after approval of the original agreed-upon briefing schedule, the Parties wish to modify the briefing schedule relating to the Motion.

**NOW, THEREFORE**, the Parties agree and stipulate to the following:

1. Legacy Capital shall file and serve its opposition to the Motion on or before **March 1, 2019**.
2. The Trustee shall file and serve his reply papers on or before **March 22, 2019**.
3. The previously scheduled hearing date of **April 3, 2019 at 10:00 a.m.** remains the same.

Dated: New York, New York  
January 16, 2019

/s/ Oren J. Warshavsky

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza

New York, NY 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Email: dsheehan@bakerlaw.com

Oren J. Warshavsky

Email: owarshavsky@bakerlaw.com

Jason S. Oliver

Email: joliver@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for  
the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and  
Estate of Bernard L. Madoff*

/s/ Nicholas F. Kajon

**STEVENS & LEE, P.C.**

485 Madison Avenue

New York, NY 10022

Telephone: (212) 537-0403

Facsimile: (610) 371-1223

Nicholas F. Kajon

Email: nfk@stevenslee.com

*Attorneys for Defendant Legacy Capital Ltd.*

SO ORDERED this **16<sup>th</sup>** day of **January**, 2019.

/s/ STUART M. BERNSTEIN

HONORABLE STUART M. BERNSTEIN

UNITED STATES BANKRUPTCY JUDGE